



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: KARIN CLARK
Virginia Department of Social Services

FROM: ALLEN T. WILSON
Senior Assistant Attorney General

DATE: October 21, 2011

SUBJECT: Final Regulation 22 VAC 15-30-10 et seq.
Standards for Licensed Child Day Centers

I have reviewed the above-referenced final regulation to determine if the Child Day Care Council (“Council”) has the statutory authority to promulgate the final regulation and if this action by the Council is exempt from the Administrative Process Act (APA).

It appears that the Council has the authority to promulgate the final regulation, subject to compliance with the provisions of Article 2 of the APA, and has not exceeded that authority. The changes to the regulation are necessary to reflect the changes in Code by the adoption of Chapter 139 of the 2011 Acts of Assembly, which amended Virginia Code § 63.2-1734, exempting certain programs from certain parts of this regulation; and Chapter 363 of the 2011 Acts of Assembly, which amended Virginia Code § 63.2-1715 relating to the exemption from licensure for what are known as “come and go” programs. Pursuant to § 2.2-4006(A)(4)(a) of the Virginia Code, this action by the Council is exempt from the requirements of the APA.

If you have any questions, please feel free to call me at 786-0095.